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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/683,630

10/10/2003

Jeffery R. Parker

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07/03/2007

RENNER OTTO BOISSELLE & SKLAR, LLP

1621 EUCLID AVENUE

NINETEENTH FLOOR

CLEVELAND, OH 44115

EXAMINER

VARGOT, MATHIEU D

ART UNIT

PAPER NUMBER

1732

MAIL DATE

DELIVERY MODE

07/03/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/683,630

Applicant(s)

PARKER ET AL.

Examiner

Mathieu D. Vargot

Art Unit

1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 1-11 and 20-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

1. Upon reconsideration and the discovery of a new reference, prosecution has been reopened in the case.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by PCT Publication WO 00/41009 (see Clabburn, the US Patent equivalent, Figs. 1a and 1b and column 3, lines 5-21).

The applied reference teaches forming a translector from a transparent substrate and discloses that the “stepped upper surface is rendered reflective”, col. 3, lines 6-7. A close look at Figs. 1a and 1b of the reference show that only the top, --ie, faceted or stepped—surfaces are actually coated, since the **shading indicative of the reflective coating only occurs on these surfaces**. Hence, these are the instant first surfaces and the perpendicular surfaces joining the steps would be the instant second surfaces that do not receive any reflective coating. Note also column 3, lines 17-21, wherein it is taught that the reflecting surface would not be fully light reflecting, thereby further supporting what is shown in the figures 1a and 1b as a selective coating of only certain surfaces. Those surfaces not so coated would form the light transmitting surfaces when the substrate is used with a backlight.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12, 13 and 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over PCT Publication WO 00/41009 (see Clabburn, the US equivalent), either alone, or further in view of Akins et al (see col. 10, lines 23-30).

It would appear that PCT –009 is actually teaching applying a reflective coating onto certain first portions of a reflecting surface while second portions are not being so coated, so as to form a partially reflective and partially transmissive surface as disclosed in the reference. This is borne out in Figures 1a and 1b. However, instant claims 12 and 15, which set forth only this subject matter, have been additionally rejected under 103 over PCT –009 alone should applicant disagree with this assessment. Further, Akins et al (see col. 10, lines 23-30) envisions selectively coating only certain portions of a stepped surface with a reflective coating and hence one of ordinary skill in the art would know that such can be done. Either alone, or further in view of Akins et al, the selective coating of only the stepped surfaces in PCT –009 would have been obvious to ensure certain portions would be transmissive and to reduce the amount of coating materials needed. As already noted in the previous rejection, using a line of site deposition technique would have been an obvious way to selectively metallize only the first surfaces and not the second, something that is taught in both applied references. Ie, this may be a more difficult method of coating—ie, see Akins et al, column 10, lines 23-35—but would have been an obvious way to selectively coat only the first surfaces. Concerning instant claims 16-19, it is submitted that these

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aspects are conventional in the art and would have been obvious aspects in the process of the primary reference. The texturing and addition of optical shapes to the second areas would have been obvious in PCT –009 to further ensure that light exiting the substrate (from the backlight) and returning back to the viewer would be diffused, since the instant shapes conventionally are used for light diffusion purposes. Note that PCT –009 teaches that the substrate has a diffusing function and that a separate diffusion layer would also be used on the other side of the substrate—ie, film 23 in Fig. 1a. Such would have replaced the instant optical deformities on the other side of the substrate—ie, instant claim 18 is submitted to be obvious over the film 23. An antireflection coating on the second areas would have been an obvious feature in PCT –009 to ensure that the light reflected from the stepped portions would not be interfered with.

4.Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over PCT Publication WO 00/41009 (see Clabburn, the US equivalent) in view of Akins et al (col. 9, line 60). Concerning the hot stamping, see column 9, line 60 of Akins which discloses that the reflector would be stamped from a sheet stock. This resultant sheet stock would then have to be applied to the substrate, conventionally through a hot pressing or stamping directly thereto. It would have been obvious to have utilized a hot stamping to form the metallic reflective layer in PCT –009 as generally taught in Akins et al dependent on the exact method desired to form the layer.

5.Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

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Upon reconsideration, the prosecution of the case has been reopened, with PCT -009 (Clabburn the US equivalent) being considered to be a 102 against certain of the claims and Akins et al now being relied upon in a secondary role. It is respectfully submitted that the claims, if not anticipated, are obvious over the prior art.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mathieu D. Vargot whose telephone number is 571 272-1211. The examiner can normally be reached on Mon-Fri from 9 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson, can be reached on 571 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Vargot
June 26, 2007


Mathieu D. Vargot
Primary Examiner
Art Unit 1732

6/26/07